

Chairperson Lita Sweitzer called the regular meeting to order at 6:30 p.m. Also present were Planning Commissioners; Gerald Roberts, Tish Oelke, Bill Raley, Jeni Hukle and Guy Pfalzgraff. Paul Atchley announced his last meeting on February 5th. Glen Black, Director of Community Development and James Shoopman, City Planner also attended.

Citizen's Comments

Alan Osborne expressed concern for a dip in the road near the cross streets of G and Hartig. With acknowledgement to the latest annexation, he requested that the City of Delta take responsibility to address the issue in a timely manner. He stated it is a hazard because of being constantly filled with water.

Mr. Black replied that he would inform Jim Hathaway, Director of Public Works.

Schmalz Minor Subdivision Rezoning, located at 1331 A Street: Owners, Robert and Judi Schmalz

Chairperson Sweitzer opened the public hearing and requested staff report.

Mr. Shoopman reported the location of the parcel and that the reason for the applicant's zone change request is to allow for the future construction of a church. Mr. Shoopman further explained that churches are not allowed in an R-R zone district. He then gave descriptive detail of the surrounding areas, properties, and natural barriers that should be considered with this recommendation. He also reported that the Schmalz's have complied with all rezoning application requirements of city code 17.04.290D.

Staff Recommendations:

Staff recommends careful consideration of the request, reminding the planning commission that A-1 is a less intense land use district and that they should be careful to avoid spot zoning. He also clarified that the purpose of zoning is not just to reflect current use but also for future planning.

Robert and Judy Schmalz, 550 217 40 Road, stated that a church was interested in buying this property. They reasoned that a church would fit in well with neighborhood and that the majority of the neighborhood is not interested in seeing high density, multi-family housing. They received three letters from neighbors who are 100 ft. of this property. All 3 neighbors supported this request.

Commissioner Raley wanted clarity about the nearest surrounding areas with A-1 zoning.

It was then clarified that there are multiple areas zoned A-1 near the property in question, but only one parcel zoned A-1 is adjacent.

Chairperson Sweitzer closed the public hearing and requested commissioner comments.

Commissioner Roberts stated that he did not see any immediate reasoning to decline the request.

Commissioner Hukle stated she did not feel that the property meets the criteria for rezoning. She also expressed feeling hesitant to approve spot-zoning in order to assist in a property sale.

Commissioner Roberts clarified that there is A-1 zoning directly adjacent to the property and stated that the natural barrier of the hill does not disengage the reality of its location.

Chairperson Sweitzer weighed the pros and cons that were discussed.

Commissioner Hukle motioned that the Planning Commission recommend disapproval for changing the zoning district of 1331 A. Street, from R-R to A-1 zoning.

Commissioner Oelke seconded the motion.

Chairperson Sweitzer asked for any further discussion. The votes favoring the recommendation of disapproval were: Hukle, aye; and Oelke, aye. All other votes were opposed.

Commissioner Roberts motioned for the Planning Commission to recommend approval for changing the zoning district of 1331 A. Street, from R-R to A-1 zoning.

Commissioner Pfalzgraff seconded the motion.

Chairperson Sweitzer asked for any further discussion. The votes favoring the recommending of approval were: commissioners Pfalzgraff, aye; Roberts, aye; Raley, aye; and Sweitzer, aye. All other votes were opposed. The motion passed.

Chairperson Sweitzer announced that Planning Commission would recommend approval to City Council, and she reminded the audience that City Council would have the final say.

Initial Zoning of Enclaves in the Northeast Garnet Addition

Chairperson Sweitzer opened the public hearing, reviewed the process of initial zoning, and stressed that in the process of initial zoning the only criteria commissioners are to consider are the public health, safety, and welfare. She then asked for staff report and recommendations.

Staff Recommendations:

Mr. Black gave a PowerPoint presentation of the Northeast Garnet Addition showing the location and the parcels to be zoned. Mr. Black asked the commission to note that staff supports Mr. Jensen's request for initial R-2 zoning. Staff recommends all of the other parcels be zoned A-1.

Mr. Black stated that the initial zoning requirements were met as per city code prior to the meeting. Mr. Black stated that the majority of property owners were in favor of the A-1 zoning with the exception of Mr. Jensen. Mr. Jensen is in the process of constructing a series of duplexes.

Chairperson Sweitzer questioned if all parcels had housing on them.

Mr. Black stated that several were vacant parcels yet owned by some of the same owners.

Chairperson Sweitzer questioned if there was any other construction amongst the other parcels being considered.

Mr. Black stated that a possible shed was being built on one of the other parcels.

Chairperson Sweitzer asked if there were any more questions of staff. With no reply, she then asked for public comment.

Barbara and John Jackson, 1767 G Road, stated that they had been annexed into the city though they were not in favor of it. She expressed her opposition towards Mr. Jensen's request.

Bill and Coleen Jensen, 1754 F50 Road, Mr. Jensen stated that he purchased the property with the intent to construct multi-family housing which was allowed on that parcel at that time. He stated the community was in need of nice, newer, rental opportunities and that he had set out to help provide for this need. He stated that he was in the process of constructing his third duplex with permission from Delta County. He stated that he had quite a few inquiries of smaller houses with lots also in the way of seniors wanting to downsize for less upkeep for which he would also like to address.

Chairperson Sweitzer questioned if he was allowed R-2 zoning would he plan to build more duplexes.

Mr. Jensen replied that he would be building a mixture of small houses and duplexes. He stated that he had 7 acres to manage this construction.

Mrs. Jensen stated that the property had been for sale for a long period of time. She stated that anyone who desired to dictate the future character of that area had the opportunity to do so when the lot was available for purchase.

Chairperson Sweitzer wanted to clarify the other zoning districts in the area.

Mr. Black further explained the differentia of the A-1, R-R, and R-2 zoning. The R-2 allows for sight built houses and duplexes as does A-1; R-2 allows higher densities than A-1.

Initial Zoning of Enclaves in the Northeast Garnet Addition

Chairperson Sweitzer invited more public comment.

Tracy Proctor resides on Hartig and G Road, and has the intent of having farm animals for her children. She expressed her unhappiness of the current annexation and the current idea of Mr. Jensen's construction plans. She believes that the more people in a small area the greater the chance of safety being an issue. She believes that if Mr. Jensen puts in more duplexes her property value will depreciate.

Judy Dickson, 1781 G Road, stated that she owns 5 acres adjacent to the Jensen's parcel. She stated that she rotated horses and expressed concern for the current condition of G Road.

Tracy Proctor questioned the restrictions on animals within A-1 zoning.

Chairperson Sweitzer then explained the concept of a "Grandfathered Use".

Mr. Black further stated that the A-1 zone districts intent is for agricultural use.

Floyd Reed, 1789 G Road, stated that he hadn't seen much difference being annexed other than the price of registering vehicles had increased dramatically. He then expressed that their current area has maintained a pastoral character and hoped that council would consider this in their decision.

Tim Gallegos, 1720 E. 5th Street, expressed disappointment for the way in which the annexation was imposed upon the area. He stated that it would have been better if the city officials would have explained the regulations of the city's code to the residences being introduced. He also questioned the legality of the annexation. He requested the initial zoning procedure be tabled until Mr. Schottelkotte can communicate the legalities of the annexation.

Chairperson Sweitzer commented that Mr. Schottelkotte advises the city council and upon that their decision the planning commissions' recommendations may or may not be put on hold.

Mark Youngwirth, 1768 Hillcrest, mentioned that 4-H animals are raised on a seasonal basis not quite conforming to the city's zoning criteria. He questioned if A-1 zoning allowed 4-H's intentional uses. He further explained that the grandfathered use does not compensate for animals that go away once a year and are replaced the next year. He asked if there was another zone that was more flexible. He also expressed that he believes that R-2 zoning for Mr. Jensen's property does not fit in with the other properties.

Mr. Black further explained that restrictions are placed upon the number of dogs and cats to allow a total of four. (unless the dogs are working dogs).

Mr. Black also clarified that if Mr. Jensen's property of 7 acres was zoned A-1 he would be allowed to build up to 14 units without subdividing.

Tracy Proctor questioned staff's support of the R-2 zoning in reference to avoiding spot zoning.

Mr. Black stated that the city is in need of workforce housing.

Mrs. Jackson reiterated being opposed to the zoning of Mr. Jensen's property.

Commissioner Roberts requested elaboration of the staff's support on the R-2 zoning.

Mr. Black replied that staff's support of the R-2 zoning is based upon the current use of the property. There are other high density developments under construction in the area, such as Fox Hollow. Also, considering that Mr. Jensen is in the process of building his third duplex, staff did not see any reason to not support the request for R-2 zoning.

Chairperson Sweitzer closed the public hearing and requested commissioner comments.

Commissioner Roberts motioned to recommend approval to city council to zone the parcels in the Northeast Garnet Addition as A-1 with the exception of Mr. Jensen's parcel as R-2.

Commissioner Hukle seconded the motion.

All were in favor and the motion carried.

Minutes

Commissioner Roberts motioned for the approval of the minutes from the previous meeting on February 5th, 2007. Commissioner Pfalzgraff seconded the motion.

Chairperson Sweitzer complemented the format of the minutes and expressed that they were organized well with the inclusion of the citizen's comments.

All were in favor and the motion carried.

Commissioner Comments

Commissioner Roberts thanked Sweitzer and Hukle for their time and stated that he enjoyed their influence and earnestness demonstrated during their terms.

Commissioner Pfalzgraff also expressed his gratitude for their time, professionalism, and dedication.

Staff Comments

Staff and commission discussed the need to elect new officers.

Commissioners Hukle and Sweitzer surrendered their code books.

Mr. Black discussed the zone districts that did not allow churches.

Chairperson Sweitzer suggested that staff have copies of city code referencing the subject of livestock for the City Council meeting, March 6th.

Mr. Black announced that interviews for the replacements of commissioners Hukle, Sweitzer, and Atchley would be taking place at the next City Council Meeting. He stated that it was unfortunate that they were not reapplying and expressed his thanks for their time and dedication. He confirmed that Commissioner Pfalzgraff, as vice chairperson, would be leading the meeting.

The meeting adjourned at 7:56 p.m.

Lee A. Barber, Executive Secretary